

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TIMOTHY SCHWEIGER,

Plaintiff,

v.

Case Number 11-15345
Honorable David M. Lawson

MARVIN KEELING,

Defendants.

**ORDER DENYING MOTION TO APPOINT COUNSEL
AND REQUEST FOR ASSISTANCE**

On January 28, 2013, the plaintiff filed a motion requesting appointment of counsel. The plaintiff renewed that request in a document entitled “Request for Assistance,” filed on April 2, 2013. In both motions, the plaintiff states that he cannot obtain counsel on his own, has difficulty understanding the issues in this case, accessing legal materials, and responding appropriately, and is currently recovering from medical issues.

. “[A]ppointment of counsel in a civil case is . . . a matter within the discretion of the court. It is a privilege not a right.” *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir. 1987) (quoting *U.S. v. Madden*, 352 F.2d 792, 793 (9th Cir. 1965)). *Pro bono* counsel is sometimes available for appointment in civil cases, but it is an extremely limited resource that the Court must deploy judiciously. It is the judgment of the Court that this case does not merit the appointment of counsel. The Court is sensitive to the plaintiff’s lack of legal training and difficulty in conducting this litigation. However, the Court is convinced that the plaintiff’s complaint fails to state a constitutional claim, and therefore, the appointment of *pro bono* counsel is not appropriate.

The Court has dismissed the plaintiff's complaint against defendants Correctional Medical Services, Incorporated, Prison Health Services, Incorporated, Pain Management Committee, and Jeffrey C. Stieve. The remaining defendant, Marvin Keeling, has filed a motion to dismiss, and the magistrate judge has filed a report recommending that the Court grant that motion. The plaintiff may file objections to that recommendation on or before April 17, 2013; any objections not filed by that date will be waived.

Accordingly, it is **ORDERED** that the plaintiff's motion to appoint counsel and request for assistance [dkt. #s 68, 93] are **DENIED**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: April 9, 2013

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on April 9, 2013.

s/Deborah R. Tofil
DEBORAH R. TOFIL